

Remarks/Arguments

Applicants would like to thank the Examiner for the careful consideration given the present application. By the present amendment, Claims 1, 2, 6, 14 and 22 are amended. Review and reconsideration is respectfully requested.

It is noted that the claim set submitted with the amendment of March 14, 2005 amended the originally filed claims (rather than the claim set submitted with the preliminary amendment dated March 3, 2004). The current claim set further amends the claims from the March 14, 2005 amendment.

Applicants would like to thank the Examiner Sang Y. Paik for granting an interview with Stephen S. Wentsler and John T. Mariner by way of a telephone conference at 2:30 PM on July 27, 2005. During the interview, the outstanding rejections of the claims were discussed; namely the rejection of claims 1 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,140,624 to Gilbert, Sr. and the rejection of claims 2-22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Gilbert Sr. in view of U.S. Patent No. 4,263,528 to Miram. Applicant proposed to address the outstanding rejections by amending the independent claims (i.e., claims 1, 2 and 14) to include the language “a solid body configured from a solid freestanding body of graphite”. Applicants argued that neither Gilbert, Sr. nor Gilbert, Sr. in view of Miram teach or suggest this claim limitation. Examiner Paik agreed to further consider such arguments in a formal response to the outstanding Office action.

In the Office action dated May 27, 2005, the Examiner rejected claims 1 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,140,624 to Gilbert, Sr. The Examiner further rejected claims 2-22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Gilbert Sr. in view of U.S. Patent No. 4,263,528 to Miram. Applicants respectfully traverse this rejection for the following reasons.

Claims 1 and 2 each require a heater comprising “a solid graphite body configured from a solid self standing body of graphite” (emphasis added). Claim 14 recites a method for forming a heater including the step of “providing a solid graphite body configured from a solid self standing body of graphite” (emphasis added).

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In contrast, Gilbert, Sr. discloses heating unit (10) comprising a pyrolytic boron nitride base plate (12) coated with a layer of pyrolytic graphite (14). The pyrolytic boron nitride base plate (12) is formed of a "self standing article of purified pyrolytic boron nitride" (emphasis added) and the pyrolytic graphite layer (14) is "coated directly over the base plate (12)" (emphasis added) (See column 2, lines 34-40 and 46-49). It is therefore clear that Gilbert, Sr. recognizes the distinction of a "self standing" article by differentiating it from a "coating" applied directly over and supported by the self standing article. Consequently, Gilbert fails to teach or suggest a solid graphite body configured from a solid self standing body of graphite as required by claims 1, 2 and 14. Rather, Gilbert, Sr. only teaches a pyrolytic graphite layer that is not self standing but merely a coating supported by an underlying self standing base plate of pyrolytic boron nitride. It is further believed that the deficiencies of Gilbert, Sr. are not resolved by the teachings of Miram.

Accordingly, as the references fail to teach or suggest "a solid graphite body configured from a solid self standing body of graphite", Applicants respectfully request withdrawal of the corresponding rejections of claims 1, 2 and 14. Applicants further request allowance of claims 3-13 and 15-24 as depending directly or indirectly from one of claims 1, 2 and 14 that are believed to be in condition for allowance for reasons set forth above.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, Order No. 38456.

Respectfully submitted,
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